



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/805,694	03/22/2004	Katsushi Horihata	P1348US	8737
1218	7590	09/17/2008		
CASELLA & HESPOS 274 MADISON AVENUE NEW YORK, NY 10016				
EXAMINER				
JOHNSON, GREGORY L				
ART UNIT		PAPER NUMBER		
3691				
MAIL DATE		DELIVERY MODE		
09/17/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/805,694

Applicant(s)

HORIHATA, KATSUSHI

Examiner

GREGORY JOHNSON

Art Unit

3691

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2, 4, 5 and 8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2, 4, 5 and 8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date: _____

DETAILED ACTION

1. This communication is in response to the Request for Continued Examination filed July 11, 2008.

Status of Claims

2. Claims 1, 3, 6-7 and 9 are cancelled. Claim 2 is as previously presented. Claim 4 is amended. Claims 5 and 8 are original. Claims 2, 4-5 and 8 are pending.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 2, 4-5 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claim 4 recites the phrase "communications device" in the 1st line of the newly added limitation. There is insufficient antecedent basis for this phrase in the claim. Appropriate correction is required.

Claims 2, 5 and 8 are rejected to because of their dependency on claim 4.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. Claims 2, 4-5 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aoki, Pub. No. 2002/0041394 (hereinafter Aoki), in view of Rosen, Pat. No. 6,205,436 (hereinafter Rosen), Kawan, Pat. No. 6,442,532 (hereinafter Kawan) Hansmann et al., Pub. No. 2001/0016835 (hereinafter Hansmann) and Nakamura, Pub. No. 2004/0172359 (hereinafter Nakamura).

Aoki, Rosen, Kawan and Hansmann discloses and teaches the invention substantially as claimed as set forth in the Office Action filed February 11, 2008.

In regards to the amended claim 4, Aoki does not disclose the following new limitation:

- the electronic money information altering unit of the communications device subtracts a certain amount of money equivalent to the print data corresponding to the document ID from the amount of electronic money stored in the storing unit in accordance with an instruction sent from the accounting control unit and received by the sending/receiving unit to subtract

the certain amount of electronic money (e.g. the local communication between user's electronic money terminal and a settlement terminal results in subtracting an amount of electronic money from the user's electronic terminal to settle the payment of goods purchased).

However, Nakamura teaches a settlement process involving the use of an electronic money system comprising a settlement terminal (e.g. accounting control unit) for receiving and executing a request for settlement processing with at least one sort of electronic money, and a mobile terminal (e.g. mobile phone) including electronic money storage means for storing and holding a plurality of various sorts of the electronic money, in which the mobile terminal transmits a request for settlement processing with the electronic money in agreement with the settlement terminal. Nakamura also teaches that if the electronic money available in the mobile phone is the wrong type or the amount of currency needed is not enough, the user is able to rectify this by connecting with the electronic money exchange server to perform a currency exchange (Abstract; ¶0002, ¶0008, ¶0026, ¶0028 and ¶0039).

Kawan, Hansmann and Nakamura all teach a method and system for using a cellular/mobile terminal to conduct financial transactions (e.g. payment of goods purchased). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the aforementioned mobile phone with electronic money storage area as taught by Nakamura within the combined methods of Aoki, Rosen, Kawan and Hansmann for the motivation to provide an electronic money system, an electronic money exchange server and a mobile terminal in which payment (for goods

Art Unit: 3691

purchased) can be made with a variety of sorts of the electronic money (i.e. appropriate currency) via mobile terminals typified by the mobile phone (¶0004-0008).

Response to Arguments

9. Applicant's arguments with respect to claims 2, 4-5 and 8 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GREGORY JOHNSON whose telephone number is (571)272-2025. The examiner can normally be reached on Monday - Friday, 8:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ALEXANDER KALINOWSKI can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3691

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alexander Kalinowski/
Supervisory Patent Examiner, Art Unit 3691

GREGORY JOHNSON
Examiner, Art Unit 3691